



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,032	08/31/2001	Daniel Keele Burgin	FINL-004/00US	3032

22903 7590 08/09/2005

COOLEY GODWARD LLP
ATTN: PATENT GROUP
11951 FREEDOM DRIVE, SUITE 1700
ONE FREEDOM SQUARE- RESTON TOWN CENTER
RESTON, VA 20190-5061

EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/945,032

Applicant(s)

BURGIN ET AL.

Examiner

Victor Lesniewski

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-15 and 17-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed 4/12/2005 has been placed of record in the file.
2. Claims 2, 7, 12, 14, and 17 have been amended.
3. The rejections under 35 U.S.C. 112 are withdrawn in view of the amendment.
4. Claims 6 and 16 have been canceled.
5. Claims 1-5, 7-15, and 17-19 are now pending.
6. The applicant's arguments with respect to claims 1-5, 7-15, and 17-19 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

Response to Amendment

7. Claims 2, 7, 12, 14, and 17 have been amended to correct problems that caused the previous rejection under 35 U.S.C. 112. The amendment does not prove a change in scope to the limitations of the claims.

Claim Rejections - 35 USC § 102

8. Claims 1-5, 7-15, and 17-19 remain rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen (U.S. Patent Number 5,826,031) as stated in the office action mailed 12/10/2004.
9. It is noted that claims 7 and 17 now contain limitations of previously rejected claims 6 and 16 respectively. Since the scope of the claims has not changed, the citations previously applied to claims 6 and 16 should now be considered in view of claims 7 and 17 respectively.

Response to Arguments

10. In the remarks, the applicant has argued:

- <Argument 1>

Nielsen does not disclose the features of claim 1 because he does not disclose “encoding an embedded navigation link, replacing the embedded navigation link with the encoding of the embedded navigation link, and providing modified content to the end-user wherein the modified content includes the encoding of the embedded navigation link” as recited in claim 1.

11. In response to argument 1, Nielsen does disclose the features as recited in claim 1 and the similarly argued independent claims. Firstly, taking the “encoding an embedded navigation link” limitation, the previous line citation, column 7, lines 10-26, describes the linking to an embedded object in Nielsen’s system. The system utilizes a priority attribute that is encoded into the link in order to help in creating a list of embedded objects, where each object in the list is assigned a sequence number. Second, taking the “replacing” step, it is again seen that in order to create the sequenced list, each embedded object is controlled by a link encoded with a priority attribute. These links replace normal links that may not have this attribute. For example, the applicant is further directed to column 7, lines 25-26 which states the way in which a system would handle a normal link (ie. one not encoded with a priority attribute). Lastly, taking the “providing” step, the previous line citation, column 7, lines 34-39, describes returning the embedded objects to the user. The content transferred to the user is thus modified as the embedded objects can now be acted upon. These embedded objects are transferred in a certain sequence, maintaining their encoded priority. Thus, it can be seen that Nielsen’s system meets the limitations as presented in

Art Unit: 2152

claim 1. For further clarification, the applicant is directed to column 6, lines 13-37 which discusses the priority attribute in more detail.

12. In addition, the applicant has argued that claims rejected under 35 U.S.C. 102, but not explicitly discussed, are allowable based on the above arguments. Thus, claims disclosing similar limitations to the discussed claims and related dependent claims remain rejected under the same reasoning as presented above.

13. Furthermore, several of the applicant's remarks fail to comply with 37 CFR 1.111(b). These arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

14. **THIS ACTION IS MADE FINAL.** The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2152

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987.

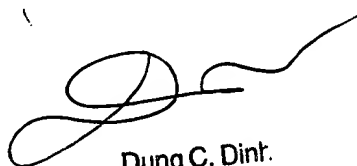
The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor Lesniewski
Patent Examiner
Group Art Unit 2152



Dung C. Dinh
Primary Examiner